

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO WESTERN DIVISION**

IN RE:	*	Case No.	18-33542
	*	Chapter 13 (Judge Humphrey)	
Rebecca M. Longstreath	*		
	*		
Debtor	*	<u>OBJECTION TO PROOF OF CLAIM</u>	
	*	<u>OF CREDITOR AND NOTICE</u>	
	*		
	*		

Now comes the Debtor, by and through her undersigned Counsel, and objects to the Proof of Claim of U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust c/o SN Servicing Corporation, pursuant to applicable local bankruptcy rules, and as grounds therefore state as follows:

1. The grounds for this objection is that the amount claimed by U.S. Bank, NA as Trustee of the Tiki Series III Trust c/o SN Servicing Corporation as the forbearance principle in the amount of \$22,717.35 is not correct. The actual amount of the forbearance is \$42,936.75 and this principal balance is deferred and does not accrue interest and does not require payments as set forth in the Loan Modification Agreement executed by the Debtor on June 29, 2010, Section 3C. The amount of \$77,506.67 of the principal balance accrues interest and requires payments.

A payment history from Kondauer Capital Corporation that was provided to the Debtor's Case Attorney has at least 2 payments that were credited to the non-interest bearing deferred principal balance. On August 4, 2014, there was a payment of \$2,861.46 that was credited to "Deferred Principal" and on August 6, 2014 there was a payment of \$1,250.00 that was credited to "Deferred Principal". It therefore appears that if an entire loan history is reviewed from the time of the loan modification until now it will document that \$20,219.40 was applied to the deferred non-interest bearing principal balance instead of the interest bearing principal balance. Therefore, U.S. Bank, NA c/o SN Servicing Corporation may have applied \$20,219.40 of the forbearance amount to the deferred non-interest bearing principal balance instead of the interest bearing principal balance and if these funds were applied towards the interest bearing principal balance there would be no arrearage on the mortgage loan.

2. The proof of claim objected to was filed by U.S. Bank, NA as Trustee of the Tiki Series III Trust c/o SN Servicing Corporation on March 21, 2019, Court Claim No. 2, Trustee's Claim Nos. 1, 2 and 3 in the total amount of \$ 105,505.17.
3. Debtor proposes that the claim filed by U.S. Bank, NA be disallowed until a determination of the correct amount of the forbearance principal is determined on Court Claim No. 2, Trustee's Claim Nos. 2 and 3 and that the monthly payment amount as set forth in Trustee's Claim No. 1 be paid in the scheduled amount of \$623.99 to be applied towards the interest bearing principal balance.

4. A response to this objection to proof of claim must be filed within 30 days of the date set forth on the certificate of service.

Respectfully submitted,

/s/ Andrew J. Zeigler
Andrew J. Zeigler, #0081417
Case Attorney for Debtor
1340 Woodman Drive
Dayton, Ohio 45432
(937) 252-2030
(937) 252-9425 (FAX)
Email: andrew@kzlawohio.com

**NOTICE OF OBJECTION TO CLAIM OF
THIRTY (30) DAY NOTICE**

Andrew J. Zeigler, Case Attorney for the Debtor has filed an Objection to Claim of U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust c/o SN Servicing Corporation.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Objection to Claim of U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust c/o SN Servicing Corporation, then on or before thirty (30) days from the date set forth in the certificate of service for the Objection to Claim of U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust c/o SN Servicing Corporation you must file with the Court a response explaining your position by mailing your response by regular U.S. Mail, to Clerk, US Bankruptcy Court, Southern District of Ohio, 120 W. Third Street, Dayton, Ohio 45402 OR your attorney must file a response using the Court's ECF System.

The Court must receive your response on or before the above date.

You must also send a copy of your response either by 1) the Court's ECF System or by 2) regular U.S. Mail, addressed to:

Rebecca M. Longstreath, 1508 S. Longview Street, Beavercreek, Ohio 45432

Andrew J. Zeigler, Case Attorney for Debtor, 1340 Woodman Drive, Dayton, Ohio 45432

Office of the U.S. Trustee, 170 North High Street, Suite 200, Columbus, Ohio 43215

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the objection and may enter an order granting the relief sought without further hearing or notice.

/s/ Andrew J. Zeigler

Andrew J. Zeigler, #0081417
Case Attorney for Debtor
1340 Woodman Drive
Dayton, Ohio 45432
(937) 252-2030
(937) 252-9425 (FAX)
Email: andrew@kzlawohio.com

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2019 a copy of the foregoing Objection to Proof of Claim was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court.

Jeffrey M. Kellner, Chapter 13 Trustee
U.S. Trustee
SN Servicing Corporation c/o Jon J. Lieberman

And on the following by ordinary U.S. Mail, postage prepaid, on June 13, 2019 addressed to:

Rebecca M. Longstreath, 1508 S. Longview Street, Beavercreek, Ohio 45432

U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust c/o SN Servicing Corporation, 323 Fifth Street, Eureka, CA 95501

And on the following by certified U.S. Mail, postage prepaid, on June 13, 2019 addressed to:

Andrew Cecere, CEO and President, U.S. Bank Trust National Association, 425 Walnut Street, Cincinnati, Ohio 45202

SN Servicing Corporation as a Foreign Corporation c/o The Prentice Hall Corporation System, Inc., 50 West Broad Street, Suite 1330, Columbus, Ohio 43215

/s/ Andrew J. Zeigler
Andrew J. Zeigler